

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Nathon Steele,

Complainant,
vs.

ORDER OF DISMISSAL

Rolland "Butch" Erichsrud,
Respondent.

On November 6, 2006, Nathon Steele filed a Complaint with the Office of Administrative Hearings alleging that Rolland "Butch" Erichsrud violated Minn. Stat. § 211B.15.

The Chief Administrative Law Judge assigned the matter to the undersigned Administrative Law Judge on November 6, 2006, under Minn. Stat. § 211B.33. A copy of the Complaint was sent by U.S. Mail to the Respondent the same day.

After reviewing the Complaint and supporting materials, the Administrative Law Judge finds that the Complaint does not set forth a claim against Rolland Erichsrud that, if proven, would constitute a violation of Chapter 211A or 211B, and specifically Minn. Stat. § 211B.15.

Based upon the Complaint and the supporting filings and for the reasons set out in the attached Memorandum,

IT IS HEREBY ORDERED:

That the Complaint filed by Nathon Steele against Rolland Erichsrud is **DISMISSED**.

Dated this 7th day of November 2006.

/s/ Kathleen D. Sheehy
KATHLEEN D. SHEEHY
Administrative Law Judge

NOTICE

Under Minn. Stat. § 211B.36, subd. 5 this order is the final decision in this matter and a party aggrieved by this decision may seek judicial review as provided in Minn. Stat. § § 14.63 to 14.69.

MEMORANDUM

Rolland “Butch” Erichsrud is seeking election as the District 2 County Commissioner in Blue Earth County. The Complaint alleges that:

Respondent used vehicle [photo attached] with advertisement for Second District County Commissioner. The vehicle is sponsored by Producers Hybrid. Respondent is a District Sales Manager and this vehicle is part of his job. Mil[e]age, insurance, oil changes and the vehicle is part of using this vehicle for seed sales. This last week the vehicle is being parked at 7th and Main Street while the owner is at home.

Attached to the Complaint is a photograph of a red truck with the logo “Producers Hybrids” painted on the driver’s side door. A sign mounted over the box of the truck says “Vote for ‘Butch’ Erichsrud District 2 County Commissioner.”

Minn. Stat. § 211B.15 applies to for-profit corporations, nonprofit corporations, and limited liability companies doing business in Minnesota.^[1] It provides as follows:

A corporation may not make a contribution or offer or agree to make a contribution, directly or indirectly, of any money, property, free service of its officers, employees, or members, or thing of monetary value to a major political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. For the purpose of this subdivision, “contribution” includes an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate.^[2]

. . .

An officer, manager, stockholder, member, agent, employee, attorney, or other representative of a corporation acting in behalf of the corporation who violates this section may be fined not more than \$20,000 or be imprisoned for not more than five years, or both.^[3]

The Complaint alleges that the “owner” of the vehicle has parked the truck with the sign on 7th and Main Street for the last week. It further alleges that Respondent is a sales manager for Producers Hybrids, the vehicle is “sponsored by” Producers Hybrids, and “this vehicle is part of [Respondent’s] job.” It suggests that Respondent is reimbursed for mileage, insurance, and oil changes by Producers Hybrids. The Complaint does not allege that Producers Hybrids is a for-profit corporation, a nonprofit corporation, or a limited liability company that does business in this state.^[4] Nor does it allege that Producers Hybrids owns the truck; rather, it suggests that Mr. Erichsrud owns or leases the truck and is reimbursed for his work-related expenses. The presence of a business logo on the truck door is not proof, in and of itself, that the truck is owned by a corporation.

Based on the allegations of the Complaint, the Administrative Law Judge cannot conclude that a corporation or corporate employee has made a contribution of property or other thing of monetary value to promote Mr. Erichsrud’s election to office. The Complaint is dismissed because it fails to allege a prima facie violation of Minn. Stat. § 211B.15.

K.D.S.

^[1] Minn. Stat. § 211B.15, subd. 1.

^[2] *Id.*, subd. 2.

^[3] *Id.*, subd. 6.

^[4] According to the Minnesota Secretary of State’s website, Producers Hybrids is the assumed name of a business located in Westfield, Indiana.